



Douglas A. Ducey,
Governor

Arizona State Board of Dental Examiners

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OPEN SESSION MINUTES

April 20, 2021

Anesthesia & Sedation Committee Meeting

Members of the Arizona State Board of Dental Examiners (“Board”) Anesthesia & Sedation Committee (“Committee”) held a meeting at 2:39 p.m. on Tuesday, April 20, 2021, which was held in person and virtually.

Committee Members

Nick Goodman, Committee Chair

Ali Baghai, CRNA

Lisa B. Bienstock, DMD

Randall J. Blazic, DDS

Jason W. Brady, DMD

Jeffrey N. Brownstein, DDS

Ed Christensen, DDS

Anthony Herro, DDS

Jonathan Jerman, MD

Randall Lout, DDS

Heath Snell, DDS

I. CALL TO ORDER AND ROLL CALL

Mr. Goodman called the Committee’s meeting to order at 2:39 p.m.

ROLL CALL

The following Committee members were present:

Nick Goodman, Ali Baghai, Dr. Blazic, Dr. Christensen, Dr. Herro, Dr. Jerman, Dr. Lout and Dr. Snell

The following Committee member was absent:

Dr. Bienstock, Dr. Brownstein,

The following Committee members joined after the start of the meeting:

Dr. Brady joined at 3:31 p.m. He asked that the committee postpone his discussion on the Mississippi Report.

ALSO PRESENT

The following Board staff were present:

Kristina C. Gomez, Deputy Director; Sherrie Biggs, Assistant Deputy Director; Susie Adams, Program and Project Specialist; and, Lisa Schmelling, Chief Compliance Officer

The following Board staff and Assistant Attorneys General participated in the meeting virtually:

Seth T. Hargraves, AAG; Nancy Elia, Administrative Services Officer; and Jessica Ross, Rules Consultant.

II. CALL TO THE PUBLIC

No individuals addressed the Committee during the Call to the Public.

III. REVIEW, DISCUSSION AND POSSIBLE ACTION ON COMMITTEE MEETING MINUTES

A. Discussion and approval of the Open Session Minutes from the March 19, 2021 committee meeting.

MOTION: Dr. Lout moved for the Committee to approve the March 19, 2021 Open Session.

SECOND: Dr. Snell

VOTE: 7-aye, 0-nay, 1-abstain, 0-recuse, 3-absent.

MOTION PASSED.

IV. CURRENT STATUTE(S) AND/OR RULE(S) REGARDING ANESTHESIA & SEDATION STATUTE AND RULES

Dr. Herro brought to light that the Rules Consultant, Jessica Ross who helps the Board was in attendance virtually.

Dr. Herro addresses the Committee as to where the Committee is on the statutes and rules and how the Committee wants to proceed. Dr. Blazic deferred to Dr. Herro. Dr. Blazic opined that the committee had decided at previous meetings to table the general discussion on statutes and rules and focus on deliberate issues, such as Adverse Occurrence Report. Discussion was held as to what the Committee had accomplished so far regarding the Adverse Occurrence Reports, the withdraw of SB1372, the ASDA report and the Mississippi report provided by Dr. Brady. Dr. Herro suggested the committee would address these things as, and if they determined they apply to section 4.

V. CERTIFIED NURSE ANESTHETISTS (“CRNA”) IN A DENTAL OFFICE

Discussion was held regarding the survey provided by the Executive Director of the Louisiana state board. Dr. Blazic questioned how the committee wanted to address this survey and whether the Committee wanted to go back to the Adverse Occurrence discussions of last meeting. Mr. Baghai discussed how the permitting and restricting of CRNAs differ in various states, with some states opting out of requirements regarding CRNAs from the Dental Boards.

At approximately 2:38 the meeting was paused as technical issues were addressed, regarding the audio feed. It was determined the audio feed was working appropriately and the meeting resumed at approximately 2:40.

The committee discussed the difference of the opt-out and the provisions regarding getting DEAs in Arizona. Mr. Baghai discussed the pharmaceutical training that CRNAs in Arizona received in order to obtain a DEA. Dr. Blazic questioned the limited participation in the survey with only 12 out of 50 states participating. Mr. Goodman questioned whether this committee would benefit in using this survey.

Dr. Jerman discussed his thoughts on SB 1372 from his viewpoint as a dental anesthesiologist.

Dr. Christensen also discussed the assertion by Mr. Baghai that there was significant delays in obtaining permits for those wishing to utilize the CRNA or dental anesthesiologists. Dr. Snell discussed his experiences with conducting the evaluations and the reasons that some took longer to

schedule than others. Mr. Goodman expressed his thoughts that while the data is interesting it may not be helpful to the committee.

Board staff, Sherrie Biggs, Assistant Deputy Director addressed the Committees concerns regarding timelines of getting evaluations done. Susie Adams, Program and Process Specialist addressed the issue of timing of applications from date of receipt until issuance of the permit; the steps necessary to get the applicants ready for evaluations and the evaluation process. Dr. Blazic suggested he could help with recruiting additional evaluators and requested a list of current evaluators.

Seth Hargraves directed the committee to move on from the 1304 sedation permit discussion.

Committee discussed where CRNAs are licensed to sedate and to what level of anesthesia they are allowed to sedate. Mr. Baghai discussed with the Board that the CRNAs were allowed to sedate in various situations and locations, any licensed medical facility, including dental offices but the rules of dentistry stops CRNAs from going into Dental offices but the state's rules do not. Dr. Blazic brought up that where CRNAs are going into hospitals, ambulances and other medical locations, there was credentialing involved. Dr. Blazic suggests that too heavy of a burden is placed on CRNA and mobile permit holders when going into an office that has not been inspected to insure that all emergency protocols are met. Dr. Snell does not feel more rules are necessary or that mobile providers have more incidence of adverse occurrences.

Committee discussed not having an inspection for 1304 and instead certify the office. Dr. Snell disagrees with creating more laws, rules and regulations.

Sherrie Biggs, Assistant Deputy Director informed the Committee of the contents of the packets the sedation applicants receive. There are forms that must be filled out affirming that permit holders have emergency drugs and equipment. Dr. Herro suggest a need for education. Dr. Brady voices his concerns there may be confusion as to who has culpability if there is an incident.

Discussion regarding a statute and rule change for 1304. Dr. Goodman discusses making offices attest that equipment and office staff are prepared to do the sedation procedure. The Committee consulted with Jessica Thomas to submit a draft for their review. Dr. Brady suggested the Committee proceed to prepare language for the next Committee meeting.

The Committee consults with Jessica Ross to determine the language needed and how best to present that.

Seth Hargraves questions Board staff as to whether or not they have obtained an exemption from the Governor's executive order on rule making for this particular rule. Board staff, Kristina Gomez states that staff is waiting for the Governor's office opinion on exemption from the executive order. Mr. Hargraves suggests that without that ruling the Committee should not go any further into the rule making discussions. Dr. Christensen suggests the committee is not making rules they are making suggestions to the Board regarding rules. Mr. Hargraves states that under the executive order the Committee cannot do what it is doing regarding rule making without first getting approval to do it. Mr. Hargraves states that going further with discussion could be a violation of the Governor's executive order. Dr. Herro suggests putting the conversation regarding language of any rule change on the next agenda based on the timing of that allowance.

Dr. Brady clarifies that the discussion is regarding changes to be made to mitigate the CRNAs going into an office where the office does not have a permitted provider. He suggests there should be some kind of mechanism for them to work around the executive order. Dr. Brady suggests that the rule should be changed to allow attestation by the dental office of its readiness to do sedation. Dr. Snell confirms it is not just CRNAs but any dental office that does not have a sedation permit and wants to bring in someone to do sedation should have some sort of paper filled out, form, or certification. Dr. Blazic agrees but expands on that idea suggesting we do not require an inspection, but to insure the

office is properly equip to provide emergency services and that the staff have some type of basic understanding of adverse occurrences and how to address them.

Dr. Herro suggests that there not be another Committee meeting until the Committee hears from the Governor's office. Kristina Gomez clarifies that the exemption will be for any rule making and not just for the 1304 issues. Jessica Thomas goes over the exemption request that the Board presented to the Governor's office and states that the main focus of the request was non-dental professionals administering anesthesia in the dental setting and rules relating to that. Dr. Herro suggests revising the request to broaden. Jessica Thomas suggests that redoing the request would not cause too much of a delay. But the advisers are focusing on legislative items right now. The current moratorium in place prohibits this Committee from making any changes to rules. Requests for exemptions need to be specific because too broad of a request could be rejected. Once you make the request you are not supposed to be doing any more work on those rules until you have received a ruling from the Governor's office.

Mr. Goodman asks Mr. Hargraves if there is enough lead way in the exemption request to allow the Committee to continue. Mr. Hargraves states his understanding is that once the request is approved the Committee will be able to produce proposed language for the Board to consider. There has not been an exemption approved yet and the Committee cannot get into the specifics of what changes to make. Reviewing the rules to see if something needs to be pursued for possible changes may be acceptable.

Mr. Goodman asks the Committee if everyone is in agreement that the Committee needs to make recommendations to the Board for rule changes. He feels the Committee is at the end of what it can do based on the parameters of the moratorium.

X. ADJOURNMENT

MOTION: Dr. Snell moved for the Committee to adjourn.

SECOND: Goodman

VOTE: 8-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The Committee's meeting adjourned at 4:07 p.m.